

UNITED STATES DISTRICT COURT

for the
District of South Carolina

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

The Business Located At:
3316 Ashley Phosphate Road, Suite 7
North Charleston, South Carolina 29418

Case No. 2:20-cr-74

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A

located in the _____ District of _____ South Carolina _____, there is now concealed (identify the person or describe the property to be seized):

SEE ATTACHMENT B AND DESCRIBED IN ATTACHED AFFIDAVIT

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 USC 2320

Offense Description
Trafficking of Counterfeit Goods or Services

The application is based on these facts:
SEE ATTACHED AFFIDAVIT

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date:

Jan 15, 2020

City and state: Charleston, South Carolina

Applicant's signature

J. Shane Brim, Special Agent
Printed name and title

Judge's signature

Hon. Bristow Marchant, United States Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

IN THE MATTER OF THE APPLICATION)
FOR SEARCH WARRANT FOR) Misc. Number: 2:20-cr-74
3316 ASHLEY PHOSPHATE ROAD, SUITE 7)
NORTH CHARLESTON, SC 29418)

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, J. Shane Brim, being duly sworn, depose and state the following:

I. INTRODUCTION

1. I am a Special Agent employed by the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). Prior to March 1, 2003, I was employed by the Department of Treasury, United States Customs Service, Office of Investigations. I have been employed by these two agencies as a Special Agent since August 9, 2001. Prior to my tenure with the federal government, I was employed as a police officer in Greensboro, North Carolina for over three years. My primary responsibilities have included the investigation of criminal violations of the Controlled Substances Act, (Title 21, United States Code,) the Money Laundering Control Act (Title 18, United States Code), the Foreign Bank Secrecy Act (Title 31, United States Code), and related offenses. I have also conducted and participated in numerous criminal investigations involving the unlawful importation, into the United States, of merchandise contrary to law (Title 18, United States Code, Section

545) and trafficking in counterfeit goods or services (Title 18, United States Code, Section 2320).

2. As an HSI Special Agent, I received extensive basic and advanced training at the Federal Law Enforcement Training Center in Glynco, Georgia. This training covered aspects of the importation of materials contrary to the laws of the United States and related financial investigations specifically involving the acquisition and concealment of illegal assets. I have obtained significant experience in the investigations of these and a multitude of other matters during my tenure as a federal law enforcement officer and have functioned in a variety of capacities to include but not limited to: a case agent coordinating undercover activities and supervising confidential informants; a surveillance agent observing and recording the movements of individuals involved in or suspected of trafficking in drugs or other illicit contraband; and interviewing witnesses, cooperating defendants, and/or informants regarding these illegal activities. I have further conducted or participated in the execution of numerous search and arrest warrants in connection with the above-mentioned investigations.

3. The following facts are presented to support the issuance of a search warrant for the commercial location listed below:

3316 Ashley Phosphate Road, Suite 7, North Charleston, SC 29418. (See Attachment A for a description of the premises to be searched.)

4. The factual information set forth in this Affidavit was obtained during the course of this ongoing investigation by myself or has been provided to me directly or indirectly by other law enforcement officers. Since this Affidavit is submitted solely for the purpose of establishing probable cause to support the issuance of a search warrant for

the premises more fully described in Attachment A, I have not set forth all the facts and circumstances known to me or to other investigators regarding this matter. Further, the following information is known to me in my official capacity. Based on this information, I have reason to believe that individuals associated with the aforementioned business have committed one or more of the following violations of federal law: (1) the unlawful importation of merchandise contrary to law, in violation of Title 18, United States Code, Section 545; and (2) the trafficking of counterfeit goods or services, in violation of Title 18, United States Code, Section 2320.

II. OVERVIEW OF THE INVESTIGATION

5. In late October 2019, HSI Charleston identified a subject through a public search of Facebook advertising new shoes, clothing, and accessories typically sold in authorized retail stores, with trademark brands such as Nike, Jordan, Ugg, Polo and Ralph Lauren. The Facebook profile was listed as "Jay Boss". The introduction to "Jay Boss" within the Facebook page showed CEO at Fly'n Foreign Apparel. Based on the conversations within the Facebook page, the subject received orders from customers/followers, but also had items on hand, sold within a storefront business identified as "THA SPOT" located at 3316 Ashley Phosphate Road, #7, North Charleston, SC.

6. On November 4, 2019 at 1510 hours, the Affiant conducted drive-by surveillance of the business located within the shopping complex, Pepperhill Square at 3316 Ashley Phosphate Road, #7, and observed a silver Kia sport utility vehicle backed up to the business. The exterior of the business was nondescript apart from a small sign on the entrance door depicting "THA SPOT".

7. An open source query of Fly'n Foreign Apparel revealed a page on www.aliveshoes.com advertising Fly'n Foreign sneakers by Joel WASHINGTON. An online query of the South Carolina Department of Motor Vehicles (SCDMV) for WASHINGTON revealed Handsome Joel WASHINGTON (SCDL: 7913779) had a current address at 156 Meadow Wood Road, Summerville, SC. WASHINGTON also had two vehicles registered to him at the same address: a 2015 Honda Accord with South Carolina license plate LKM523 and a 2010 BMW X6 with South Carolina license plate RVS464.

8. A SCDMV photo of WASHINGTON matches that of the subject depicted in photographs of the Facebook profile "Jay Boss". SCDMV records show additional customers at 156 Meadow Wood Road include Nicole Latrice WASHINGTON. On November 6, 2019, at 0906 hours, the Affiant conducted drive-by surveillance of 156 Meadow Wood Road and observed the aforementioned black 2015 Honda Accord and a silver Kia sport utility vehicle parked in the driveway of the residence. Although the Affiant was unable to obtain the license plate to the Kia sport utility vehicle, it was similar to the Kia observed days earlier parked near "THA SPOT".

9. An online query of filings through the South Carolina Secretary of State revealed WASHINGTON was the registered agent for ENUS ENTERPRISES LLC (filing date of December 28, 2018) and H.J. WASHINGTON ENTERPRISES LLC (filing date of November 15, 2010).

10. A query of the Automated Targeting System (ATS) revealed approximately one hundred forty-two (142) mail shipments to 156 Meadow Wood Road, Summerville, SC from countries including but not limited to Hong Kong and China

beginning on May 9, 2015 through January 7, 2020. The cargo description for the parcels were generally listed as footwear, shoes, or sneakers. Of the one hundred forty-two shipments to 156 Meadow Wood Road, the consignee breakdown was as follows: Joel WASHINGTON (131), FLY'N FOREIGN APPAREL (6), H.J. WASHINGTON ENTERPRISES (2), Nicole WASHINGTON (2), BUUR Retail (1). On multiple shipments to WASHINGTON, the shipper was identified as THE SUNRAIN, FLYING ASIA PACIFIC, JUSDA INTERNATIONAL, GUOXING HAO PUBLIC SERVICE, and GUANGZHOU CHUANGHUANG GARMENT, known distributors of counterfeit merchandise, specifically jerseys, shoes, and clothing with multiple seizures reported by Customs and Border Protection (CBP).

11. On November 6, 2019 at 1346 hours, the Affiant conducted drive-by surveillance of THA SPOT and observed a silver Chrysler sport utility vehicle backed up to the business. Several minutes later, a black male exited the business and entered the silver sport utility. The vehicle exited the business complex parking area and traveled a short distance before pulling into an apartment complex. The subject parked the sport utility vehicle and was last seen entering Apartment #2 located at 3485 Mountainbrook Avenue, North Charleston, SC. The Affiant was then able to observe the vehicle displayed South Carolina license plate IWR864, registered on a 2008 Chrysler Aspen to Sakenah Arkim Williams at the same Mountainbrook Avenue address. A query of SCDMV for additional subjects at the same Mountainbrook address revealed Victor Dwayne MACK as a resident. A review of MACK'S SCDMV driver's license photograph confirmed this was the same individual seen exiting THA SPOT and operating the Chrysler.

12. On November 13, 2019 at 1548 hours, the Affiant conducted drive-by surveillance of THA SPOT and observed the silver Chrysler Aspen and a light blue BMW sport utility vehicle backed up directly in front of the business. Within minutes, a black male identified as WASHINGTON exited the business and entered the BMW. The BMW exited the parking lot and the Affiant observed the vehicle displayed South Carolina license plate RVS464 registered to WASHINGTON.

13. On November 21, 2019, HSI Charleston utilizing an HSI undercover agent (UCA), conducted an undercover (UC) purchase of suspected counterfeit apparel from THA SPOT located at 3316 Ashley Phosphate Road, #7, North Charleston, SC. Once inside the business the UCA engaged MACK in conversation specific to the apparel located within. MACK identified himself to the UCA as "Vic" or "Brooklyn". The UCA stated the inside of the store was separated into three rooms: the front/main room contained two piece sweat suits, shirts, and jerseys (trademarks include but not limited to Nike and Polo), the middle room appeared to be a storage area containing larger boxes, and the rear room contained shoes (trademarks include but not limited to Nike and Ugg).

14. The UCA purchased two youth Nike sweat suits/jumpsuits for approximately \$100 in cash (\$50 per outfit including pants and sweatshirt). The blue small suit and black extra-large suit each contained a Nike tag listing the retail price as \$179.00. Prior to departure from the business, MACK asked the UCA for a telephone number so he could provide images of new item arrivals to clients via text messages. Since providing the number the UCA has received text messages of Nike apparel along with Ugg and Nike shoes from telephone number 843-377-7054. Investigator Rick

Hawks, a representative of Blazer Investigations¹ specializing in Intellectual Property Right matters, later notified HSI that the Nike sweat suits purchased from THA SPOT were counterfeit.

15. On November 26, 2019, the Affiant received a response pursuant to a summons issued to Berkeley Electric Cooperative (BEC) for customer information related to 156 Meadow Wood Road, Summerville, SC. BEC records revealed the address was under the account name of Handsome Joel WASHINGTON with a connection date of March 19, 2015.

16. On November 27, 2019, the Affiant received a response pursuant to a summons issued to Dominion Energy for customer information related to 3316 Ashley Phosphate Road, #7, North Charleston, SC and 3485 Mountainbrook Avenue, Apt 2, North Charleston, SC. THA SPOT located at 3316 Ashley Phosphate Road, #7, North Charleston is an active Old Dominion account established on June 5, 2019 under business customer, ENUS ENTERPRISES LLC. The residence located at 3485 Mountainbrook Avenue, Apt 2, North Charleston, SC is an active account established on August 31, 2012 under residential customer, Sakenah Williams. Dominion Energy records further showed Williams listed MACK as a roommate at the Mountainbrook residence.

17. On December 10, 2019, the Affiant received a response pursuant to a summons issued to Sprint for subscriber information related to telephone number 843-377-7054. Sprint records revealed the number was currently billed to Sakenah Williams of 3485 Mountainbrook Avenue, Apt 2, North Charleston, SC.

¹ Blazer Investigations represents a variety of trademark and copyright holders, including, but not limited to, Nike.

18. On December 11, 2019, HSI Charleston utilizing an HSI undercover agent (UCA), conducted an undercover (UC) purchase of suspected counterfeit Nike shoes from THA SPOT located at 3316 Ashley Phosphate Road, #7, North Charleston, SC. Preceding the UC purchase, agents observed multiple cars to include the silver Chrysler Aspen normally operated by Victor MACK parked directly in front of the business. Upon entry into the business the UCA observed MACK along with additional customers inside. MACK took the UCA to the rear room after learning the UCA was interested in purchasing shoes. MACK showed the UCA his entire on hand inventory, which included: Nike, Ugg, Timberland and Jordan. The UCA purchased a pair of Nike Air Barrage (size 11) for approximately \$80 in cash. The orange Nike box had a sticker listing the suggested retail price as \$250.00. Investigator Rick Hawks later notified HSI that the Nike shoes purchased from THA SPOT were counterfeit.

19. On December 12, 2019, HSI Charleston received a response pursuant to a summons issued to MoneyGram for sender and payee transaction records related to WASHINGTON. Records revealed WASHINGTON has utilized MoneyGram's services significantly over the last several years for transactions likely associated with the purchase of counterfeit goods. Approximately eleven (11) MoneyGram transactions totaling \$2329.00 from November 3, 2016 to May 7, 2018 were sent by WASHINGTON to receivers in China in amounts ranging from \$40.00 to \$440.00. WASHINGTON used 156 Meadow Wood Road, Summerville, SC as the sending address in all of the MoneyGram transactions.

20. On December 13, 2019, HSI Charleston received a response pursuant to a summons issued to Western Union for sender and payee transaction records related to

WASHINGTON and Victor MACK. Records revealed WASHINGTON has utilized Western Union's services significantly over the last several years for transactions likely associated with the purchase of counterfeit goods. Approximately sixty-three (63) Western Union transactions totaling \$27,478.00 from May 11, 2015 to March 10, 2018 were sent by WASHINGTON to receivers in China in amounts ranging from \$80.00 to \$1185.00. In all but one of the Western Union transactions, the sender address used by WASHINGTON was 156 Meadow Wood Road, Summerville, SC. Records revealed MACK sent the following two transactions to China: \$1950 on May 8, 2015 and \$1676 on May 29, 2015. Identifiers within the records associated with the sender, MACK included the address of 3485 Mountain Brook.

21. On January 14, 2020, the Affiant initiated surveillance on THA SPOT located at 3316 Ashley Phosphate Road, #7, North Charleston. At approximately 11:39am, the Affiant observed Victor MACK enter the business.

BACKGROUND REGARDING SEIZURE OF ELECTRONIC STORAGE

DEVICES

21. Based on my training and experience, I use the following technical terms to convey the following meanings:

- a. Electronic Storage Device: Electronic storage devices include any device capable of electronic data storage which is defined as storage that requires electrical power to store and retrieve that data. Electronic storage devices include but are not limited to the following:

1. Computers and computer storage devices including hard drives, diskettes, laser disks, multimedia cards, and others which may store the equivalent of thousands of pages of information.


2. Wireless telephones and other mobile devices such as tablets including popular devices such as iPads, Galaxy Tablets, and others with capabilities of storing names and phone numbers in electronic "address books;" sending, receiving, and storing text messages and e-mail; taking, sending, receiving, and storing still photographs and moving video; storing and playing back audio files; storing dates, appointments, and other information on personal calendars; and accessing and downloading information from the Internet.

22. Based on my knowledge, training, and experience, I know that electronic storage devices can store information for long periods of time. Similarly, things that have been viewed via the Internet are typically stored for some period of time on the device and can sometimes be recovered with forensics tools. WASHINGTON and MACK utilize social media downloads, posts, and text messages as a platform to advertise suspected counterfeit shoes, clothing, and other accessories. Pictures and videos of the clothing and accessories are taken by WASHINGTON and MACK and/or downloaded from the internet and posted within WASHINGTON'S Facebook accounts. Furthermore, MACK utilizes instant messaging through the electronic device or an application within the device to communicate with customers in the sale of counterfeit merchandise. These postings and messages are solely and specifically carried out through the use of electronic storage devices.

III. CONCLUSION

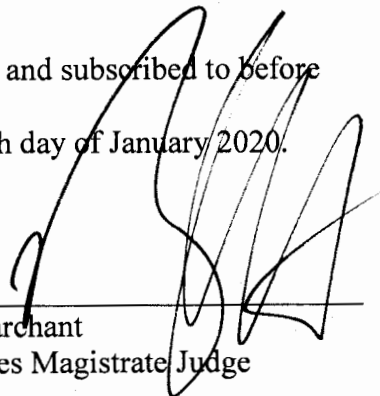
23. Based on the foregoing, it is my belief that probable cause exists for the issuance of a search warrant to search the premises described in Attachment A for the items set forth in Attachment B.

24. This affidavit has been reviewed by Assistant United States Attorney Jamie Schoen.



J. Shane Brim
Special Agent
Homeland Security Investigations

SWORN to and subscribed to before
Me this 15th day of January 2020.



Bristow Marchant
United States Magistrate Judge